

Remarks

Applicant thanks the Examiner for his careful review of the application and previous responses.

Claims 1 and 15 have been amended. No new matter has been added.

Claim 22 has been canceled without prejudice.

Rejection of claims 1-16 under 35 U.S.C. §112

According to the Office Action of May 23, 2003, the specification as originally filed did not contain support for the following clause, which had been added to independent claims 1 and 15 by amendment: "the sidewalls each being a single sheet of packaging material." Claims 1 and 15 have been amended to remove this clause, thereby mooting this issue. Applicant respectfully points out that this amendment does not constitute acquiescence to the correctness of this rejection, and Applicant reserves the right to re-introduce this limitation at a later time. Because the clause at issue has been removed from claims 1-15, Applicant respectfully requests withdrawal of this rejection.

Rejections under 35 U.S.C. §102(b)

Claims 1-3, 8-11, and 13-15 were rejected under 35 U.S.C. §102(b) as being anticipated by Mykol, Burbridge, and/or British Patent No. 1 598 843 ("the British patent"). Applicant respectfully traverses these rejections.

Burbridge

Applicant points out that independent claims 1 and 15 require a "bag." Burbridge discloses a bottle, but does not disclose a bag. For at least this reason, Burbridge cannot serve as a proper basis for rejection of any of claims 1-15 under 35 U.S.C. §102.

Mykol

According to the Office Action, Mykol shows each element of independent claim 1, including "a handle operably connected to the bag, the entire handle being on an opposite side of the vertical centerline from the pouring region." Applicant respectfully disputes the notion that Mykol teaches this element.

The Office Action refers the element identified by reference numeral 16 as being a "handle" that is located on the opposite side of the centerline from the pouring region. The element identified by reference numeral 16 is a sling, not a handle. A handle is a structure that is to be grabbed with a hand. A sling is a structure that is to be worn on the body. The specification of Mykol supports this distinction. Specifically, the element identified by reference numeral 16 is referred to as a "sling portion" (see line 84), which is intended to permit a user to carry the bag on "on the body of the user" (see lines 93-98). Meanwhile, the element identified by reference numeral 15 is referred to as a "handle" (see line 82), which is intended to permit a user to carry the bag "in one hand" (see line 94). Notably, the element identified by reference numeral 15 is not located entirely on the opposite side of the centerline from the pouring region, as required by claim 1.

In sum, Mykol does not teach a bag having "a handle operably connected to the bag, the entire handle being on an opposite side of the vertical centerline from the pouring region," as required by claim 1. Instead, Mykol teaches a bag having a sling on one side of a centerline and a pouring region on the other side. While Mykol does show a handle (identified by reference numeral 15), the handle is not entirely on the opposite side of the centerline from the pouring region. For these reasons, Mykol cannot serve as a proper basis for a rejection of any of claims 1-15 under 35 U.S.C. §102.

The British Patent

Applicant points out that the claims have been narrowed to require that the bag carry seed in its interior. None of the cited references, including the British patent, disclose a bag having seed in its interior. For a rejection under 35 U.S.C. §102 to be proper, a reference must disclose each element of the claim. The British patent fails to teach a bag with seed in its interior, meaning that it cannot serve as a proper basis for a rejection under 35 U.S.C. §102.

For the reasons stated above, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-3, 8-11, and 13-15 under 35 U.S.C. §102(b).

Rejections Under 35 U.S.C. §103(a)

Claims 4-7, 12, and 16

Claims 4-7, 12, and 16 were rejected under 35 U.S.C. §103(a) as being obvious in view of the British patent when combined with Onishi and/or Schneider. Each of these rejections shares a common premise, namely, that independent claim 1 is anticipated by the British patent. As discussed above, this premise is incorrect, and for at least this reason the rejections of these claims is improper. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 4-7, 12, and 16 under 35 U.S.C. §103(a).

Claim 22

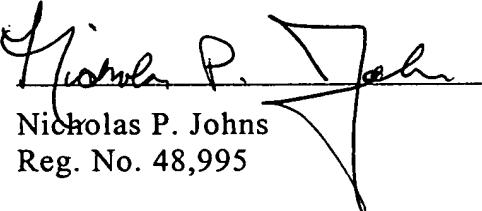
This claim has been canceled without prejudice, thereby rendering the correctness of this rejection moot. Applicant respectfully points out that Applicant has not acquiesced in the correctness of this rejection by canceling this claim, and Applicant reserves the right to re-introduce this claim at a later time.

Conclusion

Claims 1-16 remain pending in the application. These claims are believed to be allowable for the reasons set forth above. This amendment is believed to be responsive to all points raised in the Office Action. Accordingly, Applicants respectfully request prompt reconsideration, allowance, and passage of the application to issue. Should the Examiner have any remaining questions or concerns, the Examiner is urged to contact the undersigned by telephone at the number below to expeditiously resolve such concerns.

Respectfully submitted,

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